

MIDDLESBROUGH COUNCIL



Report of: Charlotte Benjamin - Director of Legal and Governance Services

Relevant Executive Member: Chris Cooke - The Mayor

Submitted to: Single Member Executive – The Mayor

Date: 18 December 2025

Title: Surveillance Policy 2025-6

Report for: Decision

Status: Public

Council Plan priority: Delivering Best Value

Key decision: No

Why: Decision does not reach the threshold to be a key decision

Subject to call in? Yes

Why: Non-Urgent Report

Proposed decision(s)

That the Mayor:

- **APPROVES** the Surveillance Policy 2025-26
- **NOTES** the content of this report on use of surveillance powers in 2025.

Executive summary

This report seeks approval of the Surveillance Policy 2025-6. In accordance with the Statutory Codes of Practice applying to the Regulation of Investigatory Powers Act 2000 (RIPA), the Council is required to review its use and set out the Policy at least annually.

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

- 1.1 This report seeks approval of the proposed Surveillance Policy 2025-26.
- 1.2 Guidance underpinning the Regulation of Investigatory Powers Act (RIPA) 2000 states that elected members should review the Council’s use of RIPA powers and set the RIPA policy annually.
- 1.3 Use of RIPA powers are considered annually by Audit Committee as part of the annual report of the Senior Information Risk Owner. Statistical information on use of the powers is also regularly reported to the relevant Scrutiny Panel.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	Implementation and adherence to a Surveillance Policy does not directly impact on these ambitions, however compliance with the principles of the policy will ensure the Council adheres to the law, its obligations and duties imposed on it under legislation.
A healthy Place	
Safe and resilient communities	Compliance with the policy will ensure that the Council acts lawfully when conducting activities that fall within the scope of the policy. It safeguards privacy by minimising intrusion and proportionally applies necessity tests before surveillance is authorised. It will ensure that the Council protects communities in the following areas: <ul style="list-style-type: none">• Crime prevention and public safety• Safeguarding vulnerable groups• Accountability and trust• Protecting privacy• Community reassurance.
Delivering best value	Effective compliance with the policy ensures resources are used effectively and responsibly while achieving community safety goals. It: <ul style="list-style-type: none">• Provides a strict framework for use of surveillance preventing unnecessary deployment.• Adheres to Data Protection, Human Rights, and RIPA laws. Reducing the risk of fines, legal challenge or reputable damage.• Provides evidence-based decision making supporting targeted interventions.• Provides transparency that builds public trust.• Supports partnership working with police and other agencies.

2. Recommendations

2.1 That the Mayor:

- **APPROVES** the Surveillance Policy 2025-26
- **NOTES** the content of this report on use of surveillance powers in 2025.

3. Rationale for the recommended decision(s)

3.1 The proposed policy will ensure that surveillance activity undertaken by the Council complies with its strategic priorities and statutory obligations, is lawful and that due regard is given to human rights and to data protection rights. A decision from the Mayor is sought as the agenda item is within their portfolio.

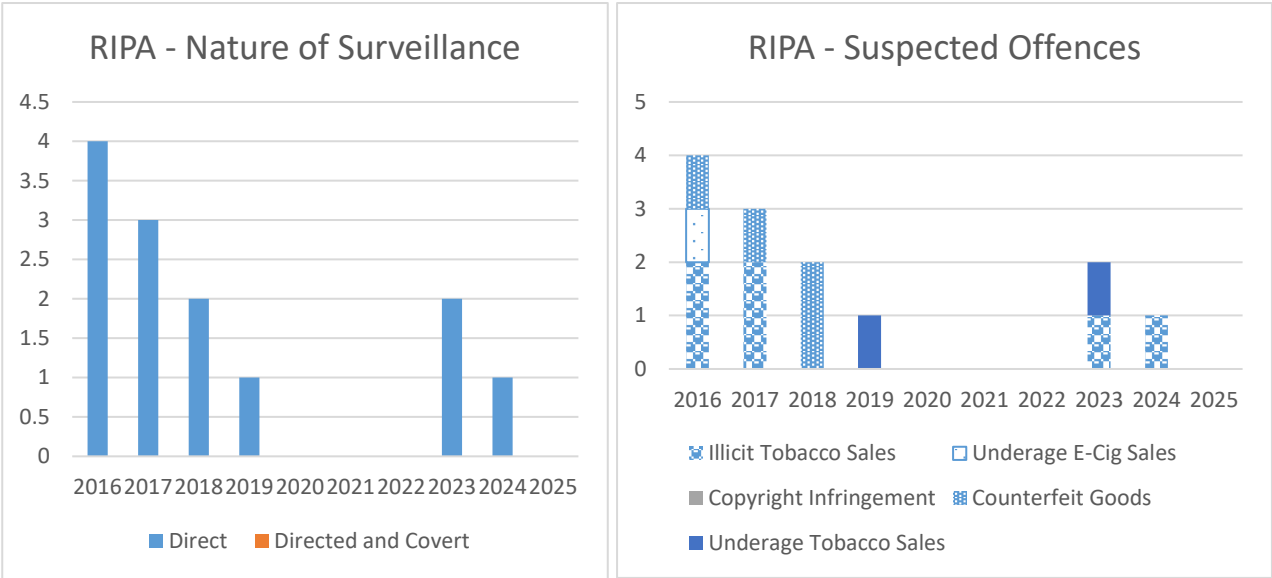
4. Background and relevant information

Use of RIPA

4.1 RIPA is the law governing the use of surveillance techniques by public authorities, including local authorities. RIPA covert surveillance powers can only be used if surveillance is necessary, proportionate, and compatible with human rights and where the Council is the prosecuting authority. There are also further restrictions which mean RIPA can only be used where there could be a custodial sentence of six months or more, or where surveillance relates to the sale, allowing the sale and or persistently selling alcohol to children as well as the sale of tobacco to persons under 18 years old.

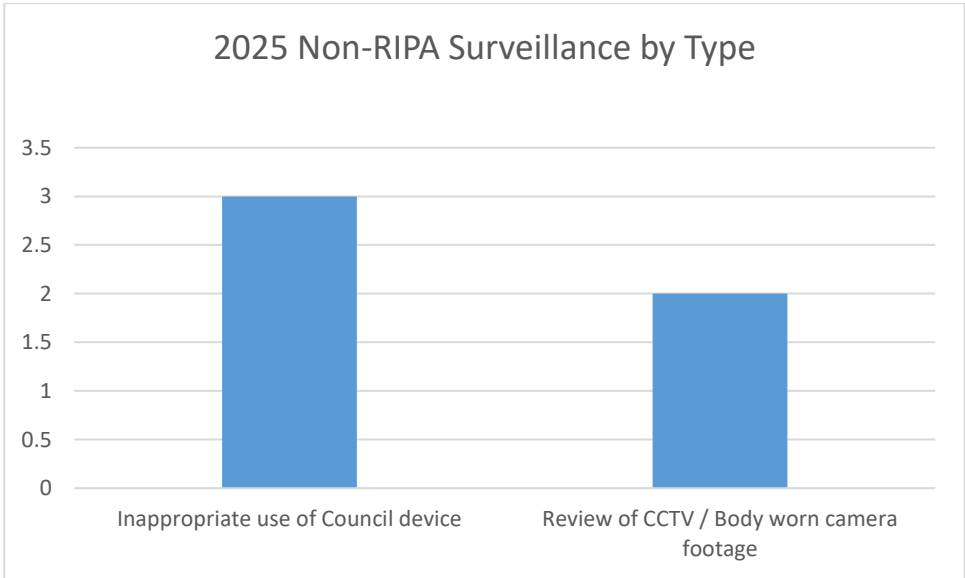
4.2 In such instances, covert surveillance can be undertaken, subject to magistrate approval, if it is not possible to gather sufficient evidence to secure a prosecution without this.

4.3 The charts below set out the past ten years of RIPA activity undertaken by the Council, the nature of the surveillance and the reasons why it was undertaken. To note, the Council always looks to methods to gather information that do not require covert surveillance to be undertaken, in order to minimise use of this power, therefore activity remains low. There were no applications to use covert surveillance under RIPA in 2025.



Non-RIPA surveillance

4.4 The Council also has in place a process, set out within the Surveillance policy, which governs the application of requests for surveillance on non-RIPA grounds. The data for 2025 relates to staffing matters, these are centrally logged and approved by the HR manager to again ensure the use of this power is minimised and that a legitimate basis for use is identified prior to approval. The table below sets out the reasons this power used to investigate the following potential issues:



Monitoring and review

- 4.5 This Policy is updated annually and was last approved by the Mayor in December 2024.
- 4.6 The Council continues to maintain an overarching Surveillance Policy (Appendix 1), which covers CCTV, RIPA, non-RIPA covert surveillance and the surveillance of employees.
- 4.7 The Council's policy aligns with guidance published by the Information Commissioners Office on monitoring workers.
- 4.8 The Surveillance policy review this year has had minor amendments to reflect staffing changes, no other change has been necessary. The policy is supported by corporate e-learning.

5. Ward Member Engagement if relevant and appropriate

5.1 Not applicable.

6. Other potential alternative(s) and why these have not been recommended

6.1 The Council should have a policy that sets out how it complies with RIPA. It could choose not to have a policy that covers both RIPA and non-RIPA activity. However, this is not recommended, as a single policy provides for a coherent and systematic approach and is in line with the Council's commitment to openness and transparency.

Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	It is anticipated that all activities require by the policy are achievable within existing and planned budgets.
Legal	The report and its associated action plan, demonstrates how the Council does and will continue to meet its various legal duties when undertaking surveillance.
Risk	Implementation of the proposed Surveillance Policy mitigates a number of risks within the Council's strategic and information risk registers, having a positive overall impact on the strategic risk that the Council could fail to comply with the law.
Human Rights, Public Sector Equality Duty and Community Cohesion	The proposed policy has been subject to Level 1 (screening) equality impact assessment (at Appendix 2). This assessment identified that no negative differential impacts on diverse groups and communities within Middlesbrough is anticipated from the implementation of the policy.
Reducing Poverty	The policy is not directly relevant to this commitment.
Climate Change / Environmental	There are no climate or environmental impacts associated with the proposed policy.

Children and Young People Cared for by the Authority and Care Leavers	There are no direct implications arising from this Policy on this group as identified in the equality impact assessment (Appendix 2).
Data Protection	This policy aims to balance the business interests of the Council as an employer and workers' rights and freedoms under data protection law. It is imperative that the Council has an up-to-date policy which advises staff on proper use of these powers to ensure any action is lawful, necessary and proportionate.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Publication of surveillance policy on the MBC Website and Intranet pages	L Hamer, Governance and Information Manager	5 January 2026

Appendices

1	Surveillance Policy 2025 - 2026
2	Surveillance Policy 2025 - 26 – Impact Assessment Level 1: Initial screening Assessment

Background papers

Body	Report title	Date
Corporate Affairs and Audit Committee	Annual Report of the Senior Information Risk Owner (SIRO)	31 March 2022
Corporate Affairs and Audit Committee	Annual Report of the Senior Information Risk Owner (SIRO)	April 2023
Executive Member for Finance and Governance	Surveillance Policy	20 December 2023
The Mayor	Surveillance Policy	17 December 2024

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